IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Crl.MC.No. 4050 of 2006()

AGAINST THE ORDER IN LPC.21/2005 IN
CC.82/2002 of CHIEF JUDICIAL MAGISTRATE, KASARAGOD
CRIME NO.177/2000 OF MANJESHWAR POLICE STATION

.....

PETITIONER: ACCUSED:

IBRAHIM, 45 YEARS,
S/O.AJJABBA, MUBARAK MANZIL, KARMBAS BAJPA,
KENJAR VILLAGE AND POST, MANGALORE, D.K.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY OF THE SUB INSPECTOR OF POLICE,
MANJESHWAR POLICE STATION, REP.BY
THE PUBLICPROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4050 of 2006

Dated this the 15th day of December 2006

O R D E R

The petitioner is the fourth accused in a prosecution interalia under Sections 420 and 471 read with 34 I.P.C. The crime was registered in the year 2000. Final report has been filed and cognizance was taken by the learned Chief Judicial Magistrate, Kasaragod. The petitioner was not available for trial. The case against him has been transferred to the list of long pending cases. The petitioner finds himself in the unenviable predicament of coercive processes issued by the learned Magistrate chasing him. He now wants to surrender before the learned Magistrate. He apprehends that the learned Magistrate may not consider his application for bail on merits, in accordance with law and expeditiously. It is, in these circumstances prayed that directions may be issued under Section 482 Cr.P.C to the learned Magistrate to release the petitioner on bail when he appears before the learned Magistrate and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned

Magistrate would not consider such application and such cause shown on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient General directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the learned Public Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006